

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY PELAYO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C24-0815-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Petitioner's motion to vacate, set aside, or correct his sentence, under 28 U.S.C. § 2255 (Dkt. No. 1). Before directing service and answer to a habeas corpus petition, the Court must determine whether the motion, the files, and the records of the case "conclusively show that the prisoner is entitled to no relief." 28 U.S.C. § 2255(b). The Court has reviewed the record, which does not conclusively show that Petitioner is entitled to no relief. Therefore, service is proper as to Petitioner's habeas petition. *See* 28 U.S.C. § 2255(b).

1. The Clerk is DIRECTED to send a copy of this order to Petitioner.

2. If not previously accomplished, electronic posting of this order and petition shall

effect service upon the United States Attorney of copies of the § 2255 motion and of

1 all documents in support thereof.

- 2 3. Within 45 days after such service, the United States shall file and serve an answer in
3 accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States
4 District Courts. As part of such answer, the United States should state its position as
5 to whether an evidentiary hearing is necessary, whether there is any issue as to abuse
6 or delay under Rule 9, and whether Petitioner's motion is barred by the statute of
7 limitations.
- 8 4. On the face of the answer, the United States shall note the answer for consideration
9 by the Court pursuant to LCR 7(d), and the Clerk shall note the answer accordingly.
10 Petitioner may file and serve a reply to the answer no later than that noting date.

11
12 DATED this 15th day of August 2024.

13 Ravi Subramanian
14 Clerk of Court

15 s/Kathleen Albert
16 Deputy Clerk